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<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional) <b>SONY 3.0-020</b>								
	Application Number <b>10/014,112-Conf. #3954</b>	Filed <b>December 11, 2001</b>								
	First Named Inventor <b>Harold A. Ludtke and L. Michael Maritzen</b>									
	Art Unit <b>3621</b>	Examiner <b>J. R. Kucab</b>								
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table style="width: 100%; border: none;"><tr><td style="width: 60%; vertical-align: top;"><input type="checkbox"/> applicant /inventor.</td><td style="width: 40%; text-align: center; vertical-align: bottom;">_____ /Lawrence E. Russ/ Signature</td></tr><tr><td style="vertical-align: top;"><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td><td style="text-align: center; vertical-align: bottom;">_____ Lawrence E. Russ Typed or printed name</td></tr><tr><td style="vertical-align: top;"><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>35,342</u></td><td style="text-align: center; vertical-align: bottom;">_____ (908) 518-6309 Telephone number</td></tr><tr><td style="vertical-align: top;"><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</td><td style="text-align: center; vertical-align: bottom;">_____ April 13, 2009 Date</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			<input type="checkbox"/> applicant /inventor.	_____ /Lawrence E. Russ/ Signature	<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	_____ Lawrence E. Russ Typed or printed name	<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>35,342</u>	_____ (908) 518-6309 Telephone number	<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____	_____ April 13, 2009 Date
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<input type="checkbox"/> *Total of <u>1</u> forms are submitted.										

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: April 13, 2009

Electronic Signature for Lawrence E. Russ: /Lawrence E. Russ/

The present Pre-Appeal Brief Request For Review is submitted in response to the Office Action dated January 13, 2009 finally rejecting claims 1, 2, 10, 12, 14, 109, 111, 112, and 118-127. Reconsideration and allowance of this application are respectfully requested.

Claims 8-9, 110, 116-117, and 128-132 are withdrawn from further consideration; claims 3-7, 11, 13, 15-108, and 113-115 are cancelled; and claims 1-2, 10, 12, 14, 109, 111-112, and 118-127 remain in this application and are submitted for reconsideration.

Applicants express appreciation to the Examiner for the telephone interview held on March 4, 2009 during which the arguments presented herein were discussed.

In the final Office Action, (i) the drawings were objected to under 37 C.F.R. § 1.83(a), (ii) claims 1, 2, 10, 12, 14, 109, 111, 112, and 118-127 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement, and (iii) claims 1, 2, 10, 12, 14, 109, 111, 112, and 118-127 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Krishnan (U.S. Patent No. 6,073,124) in view of Shinn (U.S. Patent No. 6,655,585) and further in view of Pare (U.S. Patent No. 6,289,348). The present remarks are directed solely to the above rejection under 35 U.S.C. § 103(a).

Applicants submit that the claims are patentably distinguishable over the relied-on references for at least the reason that independent claim 1, for example, recites:

storing, in a database, a unique identification trait of the person and a plurality of files associated with the unique identification trait of the person, the plurality of files being respectively associated with a plurality of providers such that a given one of the plurality of files is associated with a particular one of the plurality of providers[.]

(Emphasis added.) The Examiner acknowledges that neither Krishnan nor Shinn discloses this feature (see Office Action, Item 14 on pgs.6-7) but contends that Pare does. The Examiner relies on Fig. 5 and its associated text (column 11 lines 30-48) and column 5 lines 1-48 of Pare (see Office Action, Item 15 on pg.7). However, Pare merely describes:

...The method comprises a payor registration step, wherein the payor registers with an electronic third party identifier at least one registration biometric sample, and at least one payor credit/debit account. ...

(Emphasis added; see col.5 ll.6-10.) That is, the relied on section of Pare simply teaches registering at least one biometric sample together with at least one payor credit/debit account. The reference is not at all concerned with registering a plurality of providers. Moreover, the reference is not concerned with a plurality of files associated with a biometric sample, and the reference is not concerned with a plurality of files respectively associated with a plurality of providers such that a given one of the plurality of files is associated with a particular one of the plurality of providers.

Nevertheless, the Examiner argued during the telephone interview that because a person having more than one credit/debit account would be expected to have such accounts with different providers, it would be "obvious" for each credit/debit account to be associated with its own file. The Examiner thus concluded that Pare's teachings cover one biometric sample being associated with plural files which are, in turn, respectively associated with plural providers, though the Examiner admitted that he was "stretching" the teachings of Pare.

Applicants submit that the Examiner has improperly read more into the relied-on sections of Pare than what a person of ordinary skill would deduce from such sections of the reference. Rather, there is no teaching or suggestion in Pare

that plural credit/debit accounts involve plural providers, and in fact, the reference provides a contrary example. Namely, Pare describes an embodiment in which "many financial accounts are linked to a particular payee", i.e., many financial accounts are linked to one provider. (See col.12 ll.36-38.) Pare does not provide any example in which plural financial accounts are respectively linked to plural providers or payees.

Moreover, even if Pare's teaching of at least one payor credit/debit account were to imply a plurality of providers, there is no teaching or suggestion in the relied on sections of the reference of respectively associating a plurality of files with such plurality of providers such that a given one of the plurality of files is associated with a particular one of the plurality of providers. Hence, such sections of Pare neither disclose nor suggest the features set forth in the above excerpt of claim 1.

It follows, for at least these reasons, that neither the relied on sections of Krishnan, the relied on sections of Shinn, nor the relied on sections of Pare, whether taken alone or in combination, disclose or suggest the method set out in claim 1. Claim 1 is therefore patentably distinct and unobvious over the relied on references.

Independent claims 111 and 123 each recite features similar to those set out in the above excerpt of claim 1. Claims 111 and 123 are therefore each patentably distinct and unobvious over the relied on sections of Krishnan, Shinn, and Pare for at least the same reasons.

Claims 2, 10, 12, 14 and 109 depend from claim 1, claims 112 and 118-122 depend from claim 111, and claims 124-127 depend from claim 123. Therefore, each of these claims is distinguishable over the relied on art for at least the same reasons as its parent claim.

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Accordingly, Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 103.